

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

ABRAHAM MOSES FISCH

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CRIMINAL NO. H-11-722

ORDER DENYING MOTION TO COMPEL

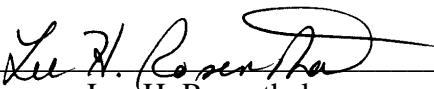
Abraham M. Fisch, through his counsel, Jerome Godinich, has filed a “Motion to Compel Compliance with this Court’s Previous Order Regarding Witness Interview Notes.” (Docket Entry No. 419). The order required Fisch’s former counsel, Michael McCrum, who tried the case, to file, ex parte and under seal, copies of “such work product as notes of witness interviews prepared in connection with this case.” (Docket Entry No. 408). The filing was ex parte and under seal to “protect privileged communications . . . pending further order of the court or Fisch’s waiver of the privilege by raising ineffective assistance in this court, on direct appeal, or on a collateral challenge.” (*Id.*). Fisch complains that no such filing has occurred and asks that McCrum comply or be held in contempt. (Docket Entry No. 419).

McCrum responded, pointing out that he promptly complied with the court’s order and that he has also provided Godinich with the requested documents. The court’s records show that McCrum filed materials with the court, ex parte and under seal, on the day the order was entered. (Docket Entry No. 409). McCrum’s response also describes his extensive efforts to provide Godinich with nine banker boxes containing his files for this case. Godinich initially refused to sign a receipt acknowledging that he had received the documents, and left McCrum’s office without

them. McCrum made another effort, offering to provide Godinich with a conference room to review the files before signing the receipt for them and taking them. Although that occurred on August 5, 2015, Godinich has not contacted McCrum to arrange a pick-up date or made other arrangements to retrieve the files. Godinich has not responded to McCrum's statements.

The motion to compel, (Docket Entry No. 419), is denied.

SIGNED on August 20, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge